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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,329	11/26/2003	Henryk Kulakowski	99999.000310	8381
21967 7590 02/25/2008 HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			EXAMINER CHEUNG, MARY DA ZHI WANG	
			ART UNIT 3694	PAPER NUMBER
			MAIL DATE 02/25/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/721,329

**Applicant(s)**

KULAKOWSKI, HENRYK

**Examiner**

MARY CHEUNG

**Art Unit**

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Status of the Claims*

1. This action is in response to the restriction election filed on January 16, 2008. Claims 1-10 are pending. Claims 1-7 are elected with traverse. In response to the applicant's arguments filed on January 16, 2008 that the applicant states group I (claims 1-7) and group I (claims 8-10) are not independent and distinct inventions, the restrictions are withdrawn. Thus, claims 1-10 are examined.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chenevich et al., US 2002/0111886 A1 in view of Official Notice.

As to claim 1, Chenevich teaches a method of accounting electronic transactions, wherein the transaction is initiated by a payer from an electronic terminal, the method comprising (¶ 90 and Fig. 2):

- delivering to the accounting system: a transaction code describing the type of transaction selected, an amount describing the transaction value, payer's ID which is assigned to the specific payer, and a payee's ID which is assigned to the payee (¶ 66, 90-91 and Fig. 2; *in particular, "account system" corresponds*

*to the payment manager, and "transaction code" corresponds to the selected method of payment in Chenevich's teaching);*

- verifying, via the accounting system, whether the payer is an authorized user, whether a beneficiary with the given payee's ID exists and what types of transactions are handled by this beneficiary, as well as whether the specified amount is available on the payer's payment account (§ 66, 90-91, 93);
- sending from the accounting system cumulative information the transaction to the payer, which preferably contains extended information on the transaction (§ 66, 92);
- requesting the payer to accept the transaction, to correct or complete data, having received acceptance for the transaction (§ 66, 92);
- effecting accounting of the transaction on the payment account via the accounting system (§ 97).

Chenevich further teaches sending notifications to the payer and payee regarding the transactions (§ 93). Chenevich does not specifically teach sending acknowledgment of the payment to the payee, which preferably includes additional information on the payer, which are not directly related to transaction accounting, as well as acknowledgment of the transaction to the payer, which preferably contain additional information delivered to the accounting system by the payee. The examiner takes Official Notice that it is well known in the art that an account system sends acknowledgments to both the payers and payees. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the accounting

system in Chenevich's teaching to include feature of sending the acknowledgments to the payer and the payee so that the payer and payee can better track the transaction.

As to claims 3-4, Chenevich teaches the payee ID as discussed in claim 1 above. Chenevich does not specifically the payee's ID is a static ID, a temporary ID, or a local ID, or the payee's ID is assigned to a specific transaction or to a specific offer of the payee, through which the offer is explicitly identified. The examiner takes Official Notice that it is well known in the art that assigning different types of ID, such as permanent ID (static ID), temporary ID, local ID, specific ID. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the payee ID in Chenevich's teaching to comprise different types so that the accounting system have better control over the transactions.

As to claim 5, Chenevich modified by the Official Notice teaches a transaction lasts for the given period of time, and the amount is calculated by the accounting system during the session of a transaction initiated by the payer, the method further comprising: automatically, for every accounting unit, delivered or defined by the payee, and initiation of a transaction by the payer calculating the beginning of unit-charges, which constitute components of the transaction amount, whereas conclusion and complete accounting of the transaction is effected upon a request from the accounting system, the payee or the payer, and upon conclusion of the transaction acknowledgment of the payment is sent again to the payee, and the payer receives acknowledgment of the transaction, which include cumulative information concerning the whole transaction and its conclusion, while unit-charges are accounted by the

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accounting system on-line or off-line (see Chenevich ¶ 69, 72-74, 78, 99-104 and see claim 1 above).

As to claim 6, Chenevich modified by the Official Notice teaches the amount is delivered to the accounting system in the beginning of a periodical transaction, while such a transaction is calculated up to the value of the specified amount, after which it is terminated by the accounting system (see claims 1 and 5 above).

As to claim 7, Chenevich modified by the Official Notice teaches a transaction amount is received from the payee upon a request from the accounting system, which makes it possible to verify whether the amount specified by the payer is correct on the basis of the transaction amount, or to exclude the necessity to quote the amount when initiating a transaction by the payer, whereas concurrently with the transaction amount, the payee sends additional information on the transaction to the accounting system (Chenevich: ¶ 66, 90-93).

4. Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chenevich et al., US 2002/0111886 A1 in view of Official Notice, and in further view of Schimmel, US 2002/0103753 A1.

As to claim 2, Chenevich modified by the Official Notice further teaches allowing the payer to choose aggregate multiple payments into a single payment (see Chenevich ¶ 69). Chenevich modified by the Official Notice does not specifically teach the aggregate multiple payments are from a number of different payment sub-accounts. However, the matter is taught by Schimmel as the payments are split from a number of different payment sub-accounts that are designated by the payer (abstract and Figs. 3-

5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the aggregate multiple payments in the teachings of Chenevich modified by the Official Notice to be paid from a number of different payment sub-accounts so that it would not over burden a single payment account as stated by Schimmel (abstract).

As to claims 3-4, Chenevich teaches the payee ID as discussed in claim 1 above. Chenevich does not specifically the payee's ID is a static ID, a temporary ID, or a local ID, or the payee's ID is assigned to a specific transaction or to a specific offer of the payee, through which the offer is explicitly identified. The examiner takes Official Notice that it is well known in the art that assigning different types of ID, such as permanent ID (static ID), temporary ID, local ID, specific ID. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the payee ID in Chenevich's teaching to comprise different types so that the accounting system have better control over the transactions.

As to claim 5, Chenevich modified by the Official Notice teaches a transaction lasts for the given period of time, and the amount is calculated by the accounting system during the session of a transaction initiated by the payer, the method further comprising: automatically, for every accounting unit, delivered or defined by the payee, and initiation of a transaction by the payer calculating the beginning of unit-charges, which constitute components of the transaction amount, whereas conclusion and complete accounting of the transaction is effected upon a request from the accounting system, the payee or the payer, and upon conclusion of the transaction

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acknowledgment of the payment is sent again to the payee, and the payer receives acknowledgment of the transaction, which include cumulative information concerning the whole transaction and its conclusion, while unit-charges are accounted by the accounting system on-line or off-line (see Chenevich ¶¶ 69, 72-74, 78, 99-104 and see claim 1 above).

As to claim 6, Chenevich modified by the Official Notice teaches the amount is delivered to the accounting system in the beginning of a periodical transaction, while such a transaction is calculated up to the value of the specified amount, after which it is terminated by the accounting system (see claims 1 and 5 above).

As to claim 7, Chenevich modified by the Official Notice teaches a transaction amount is received from the payee upon a request from the accounting system, which makes it possible to verify whether the amount specified by the payer is correct on the basis of the transaction amount, or to exclude the necessity to quote the amount when initiating a transaction by the payer, whereas concurrently with the transaction amount, the payee sends additional information on the transaction to the accounting system (Chenevich: ¶¶ 66, 90-93).

5. Claims 8-10 are rejected for the same rationales as stated in claims 1-7 above based on the applicant's admission that claims 1-7 and claims 8-10 are not distinct inventions (see page 10 of the applicant's remarks filed on January 16, 2008).

### ***Inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (571)-272-



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6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone number for the organization where this application or proceedings is assigned are as follows:

- |                |   |
|----------------|---|
| (571) 273-8300 | (Official Communications; including After Final<br>Communications labeled "BOX AF") |
| (571) 273-6705 | (Draft Communications)  |

/Mary Cheung/  
Primary Examiner, Art Unit 3694  
February 19, 2008